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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/665,667

09/20/2000

Takaharu Kitada

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EXAMINER

ST CYR, DANIEL

ART UNIT

PAPER NUMBER

2876

MAIL DATE

DELIVERY MODE

02/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/665,667	Applicant(s) KITADA, TAKAHARU	
	Examiner Daniel St.Cyr	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27,31 and 53-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27,31 and 53-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to applicant's amendment filed 12/20/07, in which claims 27 and 31 were amended, claims 21-26, 28-30, and 32-52 were cancelled, and claim 53-86 were added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 27, 31, and 53-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mcallister, US Patent No. 6,415,978, in view of Walsh et al, US Patent No. 6,089,456.

McAllister discloses a data reader for bar code labels and RFID tags comprising: a hand held terminal device having a modulation/demodulation circuit 54 adapted to demodulate entity information from a signal, said signal being receivable from an information providing medium 74; a data port 20 adapted to interface with an external device 30, said entity information being transferable over said data port to said external device; and an RF processing section 200 (fig. 2) adapted to radiate a radio frequency transmission signal and adapted to receive a radio frequency reception signal (see fig. 2; col. 3, line 59 to col. 4, line 9); wherein data from said external device is transferable over said data port to the hand held terminal device. (see fig. 3, two-way communication); wherein said data port is a universal serial bus (USB) terminal (see fig. 2, element 20); wherein a storage (inherently included in the CPU 125); medium 74 adapted to store said entity information; further comprising: an information processing unit 324 adapted to process said entity information; wherein said external device is located remotely from said

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information providing medium (RF communication); wherein said information providing medium is located remotely from the hand held terminal device (RF communication); wherein said external device is located remotely from the hand held terminal device. (remotely attached to the reader through the USB connector); wherein said modulation/demodulation circuit is adapted to generate electromagnetic field energy, an antenna body connected to said modulation/demodulation circuit being adapted to radiate said electromagnetic field energy and to receive said signal. (see fig. 2, antenna 44, matching network 54); wherein said RF processing section is connected to an antenna, said antenna being adapted to radiate and receive said radio frequency signals (see fig. 2).

Mcallister does not disclose that the hand-held device is a cellular phone.

Walsh teaches a hand held cellular phone, which comprises an information read function (fig. 8: see col. 1. line 65 through col. 2. line 25; col. 3. lines 7-55; and col. 2c). lines 6-26).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to design the device of Mcallister into the notoriously old and well known hand held cellular phone device as taught by Walsh in order to provide a versatile and compact label-reader and RFID reader system. Such modification would provide greater convenience to the users, wherein a single device would perform a plurality of tasks. With respect to having all the cellular phone components, such as speaker, display, microphone, etc., these components are commonly associated with cellular phone for inputting and outputting information. Therefore, it would have been an obvious extension as taught by Mcallister.

Response to Arguments

4. Applicant's arguments filed 12/20/07 have been fully considered but they are not persuasive. (see examiner remarks).

REMARKS:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to the applicant's argument that Walsh fails to suggest a display and a speaker, the examiner respectfully disagrees. Walsh discloses a hand held cellular phone, which includes a display capable of displaying entity information, a speaker capable of outputting the received voice signal. The applicant's arguments are not persuasive. Refer to the rejection above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DS
March 5, 2008

/Daniel St.Cyr/
Primary Examiner
Art Unit 2876

<div>Application Number</div> <div></div>	Application/Control No.	Applicant(s)/Patent under Reexamination	
	09/665,667	KITADA, TAKAHARU	
	Examiner	Art Unit	
	Daniel St.Cyr	2876	